



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/564,757

01/13/2006

Darren Dofher

020110-0015

1494

1923 7590 09/23/2008  
MCDERMOTT, WILL & EMERY LLP  
227 WEST MONROE STREET  
SUITE 4400  
CHICAGO, IL 60606-5096

EXAMINER

HUGHES, JAMES P

ART UNIT

PAPER NUMBER

2883

MAIL DATE

DELIVERY MODE

09/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,757	<b>Applicant(s)</b> DOFHER, DARREN	
	<b>Examiner</b> JAMES P. HUGHES	<b>Art Unit</b> 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1-29-09.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 11-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>042106</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Species B, represented by claims 6-13 in the reply filed on January 29, 2008 is acknowledged.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pulido (5,802,237) as evidenced by Reitmeier et al. (6,480,660). Pulido (5,802,237) herein after referred to as "Pulido," teaches a housing for a cable junction box (e.g., 10) for use in a fibre optic network, comprising at least two substantially flat, open-topped receptacles (12) joined together by a first hinge device (38) first flexible web for folding said receptacles together like a book with said open tops covered when closed, each of said receptacles (12) comprising a floor (e.g., where fibers 25 and 26 rest) and sidewalls (e.g. around the circular outside) defining an interior space, said sidewalls including openings (e.g., 20 and 22) for passing cable between said interior spaces, a second of said receptacles being arranged to receive at least one loop of cable (e.g., 25-28) within said interior space, rapped around a hub (e.g., center area of Fig. 1 and 4)

Art Unit: 2883

said housing further including at least one entry and exit port to sealingly receive fibre optic cable within the interior thereof. (See e.g., Col. 2, ll. 35 – Col. 3, ll. 50 and Figs. 1-4)

While Pulido does not expressly teach “a first flexible web,” it does teach hinge devices (38) to connect multiple open-topped receptacles (12). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the hinge devices (38) of Pulido used to connect multiple receptacles (12) (see e.g., Col. 3, ll. 1-20) with a flexible web to achieve the same result because this would be incorporating a known function of a known device in a known manner.

While Pulido does not expressly teach that the receptacles (12) are included in a cable junction box. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to place the receptacles of Pulido in a junction box as placement of fiber storage devices are notoriously well known to be placed in such boxes, as evidenced by Reitmeier et al. (6,480,660).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references on the attached PTO-892 teach related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES P. HUGHES whose telephone number is (571)272-2474. The examiner can normally be reached on Monday - Friday 9am - 5pm.

Art Unit: 2883

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James P. Hughes/  
Primary Examiner, Art Unit 2883